

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CONSUELO GONZALEZ,

Plaintiff,

v.

CHRISTINE WORMUTH,
SECRETARY, DEPARTMENT OF
THE ARMY,

Defendant.

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Civil Action No. 2:19-cv-222
Jury

**PLAINTIFF CONSUELO GONZALEZ'S
PROPOSED QUESTIONS FOR THE VOIR DIRE EXAMINATION**

Plaintiff Consuelo Gonzalez proposes the following voir dire questions for prospective jurors:

Personal experience bias

1. Have any of you heard about this case before today? If so, would your ability to serve impartially as a juror be affected by what you have heard?
2. Is there anything about the nature of this case that would affect your ability to be fair to both side?
3. The trial of this case will begin today and will last _____ days, through _____. Would any of you be unable to serve as a juror at this time?
4. The following people may be called as witnesses in this case or be referred to in testimony in this case. Please raise your hand if you know or have has any interaction with any of the following:
 - a. Ms. Consuelo Gonzalez
 - b. Mr. Thomas Castellanos III
 - c. Mr. Pedro Saldivar
 - d. Mr. Frankie Thomas
 - e. Mr. Jose Torres
 - f. Mr. Mark Lawrence
 - g. Mr. Russell Schultze
 - h. Ms. Sandra K. Miller

- i. Mr. Norman Scott Dozier
- j. Mr. Calvin Davidson
- k. Mr. Guadalupe Garza Silguero
- l. Mr. Jose Velasco

If you are familiar or have had any type of interaction with one of these individuals, please describe the interaction or how you are familiar with them.

- 5. Does anyone know any of the attorneys who are here or the law firm, or agency they work for?
- 6. Do you know anyone else on the jury panel?

Bias regarding government agencies or the armed forces

- 7. Do you have an opinion or feeling, whether positive or negative, about the Army that would affect your ability to be fair in this lawsuit alleging employment harassment and retaliation?
- 8. Do you believe government agencies, including the Army, are entitled to the benefit of the doubt?
- 9. Does anyone here find it hard to believe that the Army would violate the law?
- 10. Do you believe that testimony from government agencies like the Army or current government employees is more credible than testimony from other witnesses?
- 11. Do you believe that government agencies or the Army are exempt from some of the laws that the rest of the population must follow?
- 12. Do you believe a government agency, including the Army, would settle a strong case and that only a frivolous cases go to trial?

Personal bias

- 13. Have you, a family member, or a friend ever served in the Army? When? Where? In what position? Are you still active? Why did you leave? What was the classification of your discharge?
- 14. Have you, a family member, or a friend ever served as a civilian employee in the Department of the Army? When? Where? In what position? Are you still employed with the Department of the Army? If you left, did you resign or were you fired? Why?
- 15. Have you, a family member, or a friend ever worked for a government agency? When? Where? In what position? Are you still employed there? Why did you leave?

16. Does anyone here think the Army is the best military branch?
17. Has anyone here been sued? What were the allegations? How did that case get resolved?
18. Has anyone here filed a lawsuit? What were the allegations? How did that case get resolved?
19. Do you feel most lawsuits are frivolous?
20. Have you ever been falsely accused of wrongdoing at the workplace? What happened? What did you do? How did it get resolved?
21. Many people believe that if you don't like the policies, procedures, or environment at your place of work you should just quit and find another job rather than complain about the situation. Who here shares that view? Why?
22. Have you, one of your family members or a close friend ever made a claim under Title VII of the Civil Rights Act, the Americans with Disabilities Act or any other anti-discrimination law?
23. How many of you work and have a disability? Would anything about your experience affect your ability to be fair to both sides in this case?
24. Have any of you worked with someone who has a disability as a coworker or boss? Would anything about your experience affect your ability to be fair to both sides in this case?
25. How many of you work with women as a coworker or boss? Would anything about your experience affect your ability to be fair to both sides in this case?
26. Have any of you been harassed in the workplace because of your sex? Would anything about your experience affect your ability to be fair to both sides in this case?
27. Have any of you been harassed in the workplace because you have a disability? Would anything about your experience affect your ability to be fair to both sides in this case?
28. Have any of you been retaliated against in the workplace because you made a workplace complaint? Would anything about your experience affect your ability to be fair to both sides in this case?
29. Do any of you have opinions or feelings, whether positive or negative, about working women, that would affect your ability to be fair to both sides in this lawsuit?
30. Do any of you have opinions or feelings, whether negative or positive, about women workers who claim sex harassment at work?

31. Do any of you have opinions or feelings, whether negative or positive, about a disabled worker who claims disability harassment at work?
32. Do any of you have feelings or opinions, whether positive or negative, about workers who claim retaliation at work?
33. Have you ever held a supervisory position at work? If yes, did you supervise any employees who are disabled or are women?
34. Has anyone here ever owned a business? If yes, have you ever had a complaint filed against you by an employee of the business in relation to employment?
35. Have you or any family member or close friend ever been a defendant in a claim or lawsuit filed by an employee? If yes, please explain.
36. Have you or any family member or close friend ever filed a lawsuit or grievance against your employer, supervisor, management, or another employee? If yes, please explain.
37. Do you believe that you or any of your close friends or family have been the victim of harassment in the workplace because of age, gender, race, religion, or disability? If yes, please explain.
38. Has anyone here worked in Human Resources for a company or agency? Did you receive special training on harassment or retaliation? What kind of training?
39. Is there anything in your own personal experience and knowledge that has not already been discussed in this process that would lead you to believe that you may not be the right juror for this case or this kind of case?
40. The judge is going to instruct you on the law regarding Title VII. Does anyone have first-hand experience or know someone with first-hand experience with Title VII? Please describe that experience.
41. The judge is going to instruct you on the law regarding the Rehabilitation Act and the Americans with Disabilities Act. Does anyone have first-hand experience or know someone with first-hand experience with the Rehabilitation Act or the Americans with Disabilities Act? Please describe that experience.

Bias regarding damages

42. Do you believe mental anguish and emotional distress (like anxiety and fear) are real?
43. Have you or any family member or close friend suffered mental anguish or emotional distress at work or because of something that happened at work?

- 44. The plaintiff in this case seeks damages for mental anguish, emotional distress, and other not easily quantifiable injuries. Many people do not believe money should be awarded for such things. Who shares that view?
- 45. Can you award damages for mental anguish and emotional distress? Who can't?
- 46. If the Plaintiff asks you to award her a million dollars in emotional distress damages, how do you react?
- 47. Who thinks damages in a lawsuit should be limited in some way to prevent plaintiff from getting too much money? In what way should it be limited? Is there a particular amount above which you would not go regardless of the evidence?

Bias regarding the burden of proof in a civil case

- 48. The burden of proof in this case is a preponderance of the evidence. That means that a fact is proven if it is more likely right than wrong. Who thinks that burden of proof is too easy for a plaintiff?
- 49. Who would need to be convinced beyond a reasonable doubt in order to render a verdict for a plaintiff?
- 50. Would you be able to reach a verdict if you were less than 100% sure of a fact? If so, what percentage of certainty would you need to find for the plaintiff?

Bias regarding circumstantial evidence

- 51. The parties may prove facts by circumstantial evidence. That means, for example, testimony by a witness who observed a wet umbrella inside a room may be sufficient to prove that it was raining outside, even though there is no testimony that anyone actually looked outside to see whether it was raining. Another example would be a witness testifying about seeing smoke may be sufficient to prove there was a fire. However, many people would be unable to make a decision without direct evidence or direct observation of a fact or event. Who shares that view? Would anyone here be unable to reach a verdict based only on circumstantial evidence?

Bias regarding employees/employers

- 52. In your opinion or from your experiences, what do employers generally expect from employees?
- 53. In your opinion or from your experiences, what do employees generally expect from employers?
- 54. Can you remember your first job and your first boss? Did you like your boss? Why or why not?

- 55. What are characteristics of a good manager, supervisor, or boss?
- 56. How important are policies and procedures at work? Why?
- 57. Considering your own personal experience and knowledge, is there anything that you can identify that would cause you to start off on the side of an employer in an employment dispute, even just a little bit, before hearing any evidence in this case whatsoever? If yes, please explain?
- 58. Do you believe employers should be able to fire employees for whatever reason they see fit without second guessing from lawyers, courts, and juries?
- 59. Do you believe employers should discipline employees the same way for similar conduct?
- 60. Does anyone here find it hard to believe that an employer would violate the law?
- 61. Do you believe an employer would settle a meritorious case and that only frivolous cases go to trial?
- 62. Do you believe that employers are entitled to the benefit of the doubt?
- 63. Do you feel employees are the only ones responsible for how they are treated at work?

Bias regarding sex harassment claims

- 64. This case involves allegations of sex harassment and retaliation. Many people believe that sex-based harassment at work is a thing of the past. Who shares that view?
- 65. Many people believe that sex-based discrimination can *only* be shown with physical harassment. Who shares that view?
- 66. Many people believe that it is ok for the Army to treat women differently than men. Who shares that view?

Bias regarding disability harassment claims

- 67. This case involves allegations of disability harassment and retaliation. Many people believe that it is ok for the Army to base employment decisions on an employee's disability. Who shares that view?
- 68. Many people believe that employee should be required to medically retire if they are disabled. Who shares that view? Why?
- 69. Many people believe that disabled workers are not as capable as workers who do not have a disability. Who shares that view?

Concluding questions

70. Is there anything that we have not talked about that you believe makes you not the right person for this jury?

71. Is there a question you wish I would have asked you?

Respectfully submitted,

/s/ Fadi Yousef

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CERTIFICATE OF SERVICE

I certify that on February 17, 2022, I electronically filed the foregoing using the CM/EFC system, which sent notification of such filing to the following:

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/s/ Fadi Yousef
Fadi Yousef